

**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 1, 2, 9-11, 15-18 and 20-25, and canceled claim 3. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks. Applicant gratefully appreciates the examiner's indication that claims 13, 14 and 19 are allowable.

Applicant has updated the status of claim 8 to be clearly canceled.

The new objection to the specification is now moot in view of the amendment.

The objection to claims 2, 3, 15-18, 24 and 25 is now moot in view of the amendments to these claims and the cancellation of claim 3.

Claims 1, 21 and 22 were rejected under sec. 102b as being anticipated by Lyon '755, which requires the surface "16" to be "dome-like....", with a raised "reinforcing bead 18", column 3, and clearly shown in the figures.

Amended claims 1, 21 and 22 claim "a thin rigid and pliable disc having a flat planar exterior surface and an identical flat planar rear surface...", and "a fastener strip along an outer portion of the flat planar rear surface ~~on one side~~ of the disc adjacent to a perimeter edge of the disc, for allowing the disc to be substantially flush in a flat plane against a perimeter edge of the existing wheel hub, and to be fixably and removably attached to the perimeter edge..." Clearly, these structural features are not described, taught, nor suggested by Lyon. Thus, removal of this reference is requested.

Claims 1, 15, 16, 21 and 22 were rejected under sec. 102b as being anticipated by Braucher, which requires a "disk that is pivotally connected to the hub...so that it will remain stationary while the wheel rotates..." page 1, lines 36-40, and extra raised members "16", "21" and "13" for example, shown in Fig. 3.

Amended independent claims 1, 21 and 22 claim "a thin rigid and pliable disc having a flat planar exterior surface and an identical flat planar rear surface...", and "a fastener strip along an outer portion of the flat planar rear surface ~~on one side~~ of the disc adjacent to a perimeter edge of the disc, for allowing the disc to be substantially flush in a flat plane against a perimeter edge of the existing wheel hub, and to be fixably and removably attached to the perimeter edge..." Clearly, these structural features are not

described, taught, nor suggested by Braucher. Thus, removal of this reference is requested.

Claims 2 and 3 were rejected under sec. 103 as being unpatentable over Braucher. Applicant strongly disagrees with the examiner's characterization that it would have "been obvious as stencils and markers are notoriously well known....." The examiner clearly cannot rely on personal opinions and feelings to reject features of the claims. Under patent office rules, if an applicant requests the examiner point out unnamed references to describe, teach or suggest unsubstantiated opinions, then the examiner is required to cited the references so that the applicant can properly evaluate the reference. If a reference is cited, the examiner cannot make the office action final, and must allow applicant to fully respond to the reference. Thus, applicant requests the examiner cite the unnamed references to support these unsubstantiated opinions that the claimed features of claims 2 and 3 are obvious or remove the rejection for at least these reasons alone.

Claims 1, 2, 3, 9-11, 15-18, 23-25 were rejected under sec. 103 as being unpatentable over Nosler in view of Braucher. The Nosler reference describes a "heat-shrunk plastic film protected by tearing by an inner, adhered, rip-stop backing fabric", abstract, that clearly must conform to a dome type shape to be placed against spokes of a bicycle. In addition there is clearly no description, teaching nor suggestion in this reference for punching out perforated patterns for valve stems or existing wheel hubs.

Amended independent claims 1, 23 and 24 claim "a thin rigid and pliable disc having a flat planar exterior surface and an identical flat planar rear surface...", and "a fastener strip along an outer portion of the flat planar rear surface on one side of the disc adjacent to a perimeter edge of the disc, for allowing the disc to be substantially flush in a flat plane against a perimeter edge of the existing wheel hub, and to be fixably and removably attached to the perimeter edge..." Clearly, these structural features are not described, taught, nor suggested by Braucher. Thus, removal of this reference is requested.

Furthermore claims 9-11, and 23 have been amended to claim "punch-out" and "punch out" that are described in detail on at least page 5 of the subject invention, which is clearly not described, taught nor suggested by Nosler.

Furthermore, applicant directs the examiner's attention to MPEP section 706.04 which states that full faith and credit should be given to the action of a previous examiner unless there is clear error in the previous action or knowledge of other prior art. The examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner in mere hopes of finding something. *Amgen Inc. v. Hoechst Marion Roussel, Inc.* 126 F. Supp. 2d 69, 139, 57 USPQ 2d 1449(D-Mass 2001). Clearly, the Patent Office has allowed features similar to subject claims 9-11 and 13 in U.S. patents 6,309,027 and U.S. Patent 5,931,543 by the same applicant. Thus, removal of this rejection is respectfully requested.

The deficiencies to Nosler are not overcome by the Baucher reference as described above.

Claim 20 was rejected under sec. 103 as being unpatentable over Pollock in view of Mazzerole.

The Pollock reference describes an "advertising device", title, that is already "painted", column 1, lines 37-40, and is rotatably mounted on a spindle or axle.. column 1, lines 65-72, on and through the center of the device, as shown by 18, 26; etc. in the figures, which is clearly structurally different than the subject claimed invention.

The Mazerolle reference does not overcome the deficiencies to Pollock. Mazerolle has a raised edge with concave curved side walls in a dome type configuration, which is clearly structurally different from the subject claimed invention.

Thus, removal of this rejection is respectfully requested.


Applicant further disagrees that other features of the claims are described taught or suggested by the references of record.

For example, the "covers" adapted for use on "truck", claims 16, 21 "bus", claims 17, 21 and "golf cart", claims 18 and 22, are clearly not described, taught or suggested by the references of record.

Applicant contends the references cannot be modified to incorporate the features of subject claims 1, 2, 9-11, and 13-25 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination.

In view of the foregoing considerations, it is respectfully urged that claims 1, 2, 9-11, and 13-25 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;

  
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